

SENATE BILL 562

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2004 Regular Session
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By: **Senators Pinsky and Conway (Study Commission on Public Funding of Campaigns in Maryland)**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Public Campaign Financing Act for Candidates for the**
3 **General Assembly and for Statewide Offices**

4 FOR the purpose of establishing a system of public funding of campaigns for certain
5 candidates for the General Assembly; establishing a certain matching system of
6 public funding for candidates for Governor-Lieutenant Governor, Attorney
7 General, and State Comptroller; establishing an Election Financing Commission
8 to administer the systems of public funding of campaigns; providing for the
9 membership of the Commission and specifying its powers and duties; creating
10 the Public Election Fund and providing for the inclusion of certain money in the
11 Fund; specifying certain procedures, requirements, and conditions participating
12 candidates must meet to receive a distribution from the Fund; requiring that
13 participating candidates adhere to certain campaign expenditure limits, subject
14 to certain exceptions; requiring the Comptroller to perform certain duties in
15 connection with the establishment, maintenance, and administration of the
16 Fund; regulating contributions and expenditures made by political parties on
17 behalf of participating candidates; regulating coordinated expenditures made by
18 or on behalf of participating candidates; specifying certain additional campaign
19 finance reporting requirements for certain candidates; authorizing a citizen to
20 bring civil action in court against certain candidates under certain
21 circumstances; providing for judicial review of certain actions by the
22 Commission; providing certain penalties; specifying the terms of the initial
23 members of the Commission; and generally relating to the Public Campaign
24 Financing Act for Candidates for the General Assembly and for Candidates for
25 Statewide Office.

26 BY repealing
27 Article - Election Law
28 Section 15-101 through 15-111, inclusive, and the title "Title 15. Public
29 Financing Act"
30 Annotated Code of Maryland
31 (2003 Volume and 2003 Supplement)

32 BY repealing and reenacting, with amendments,

1 Article - Election Law
 2 Section 13-235(d)
 3 Annotated Code of Maryland
 4 (2003 Volume and 2003 Supplement)

5 BY adding to

6 Article - Election Law
 7 Section 15-101 through 15-121 and the title "Title 15. Public Campaign
 8 Financing Act for Candidates for the General Assembly and for Candidates
 9 for Statewide Offices"
 10 Annotated Code of Maryland
 11 (2003 Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 13 MARYLAND, That Section(s) 15-101 through 15-111, inclusive, and the title "Title
 14 15. Public Financing Act" of Article - Election Law of the Annotated Code of Maryland
 15 be repealed.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 17 read as follows:

18 **Article - Election Law**

19 13-235.

20 (d) Under the [Public Financing Act] PUBLIC CAMPAIGN FINANCING ACT FOR
 21 CANDIDATES FOR THE GENERAL ASSEMBLY AND FOR STATEWIDE OFFICES, a
 22 [gubernatorial ticket] PARTICIPATING CANDIDATE, during the year of the election
 23 only, may accept eligible private contributions and any disbursement of funds by the
 24 State Board that is based on the eligible private contributions.

25 TITLE 15.
 26 PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL
 27 ASSEMBLY AND FOR CANDIDATES FOR STATEWIDE OFFICES.

28 15-101. DEFINITIONS.

29 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 30 INDICATED UNLESS OTHERWISE PROVIDED.

31 (B) "COMMISSION" MEANS THE ELECTION FINANCING COMMISSION.

32 (C) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE TREASURY.

33 (D) "FUND" MEANS THE PUBLIC ELECTION FUND.

34 (E) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE WHO QUALIFIES TO
 35 RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR ELECTION AS:

- 1 (1) A MEMBER OF THE GENERAL ASSEMBLY;
- 2 (2) GOVERNOR-LIEUTENANT GOVERNOR TICKET;
- 3 (3) ATTORNEY GENERAL; OR
- 4 (4) STATE COMPTROLLER.

5 (F) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A
6 PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

7 (G) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION:

8 (1) FROM A REGISTERED VOTER WHO:

9 (I) FOR A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY,
10 RESIDES IN THE CANDIDATE'S LEGISLATIVE DISTRICT OR SUBDISTRICT; OR

11 (II) FOR A CANDIDATE FOR ELECTION AS A
12 GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL, OR
13 COMPTROLLER, RESIDES IN THE STATE; AND

14 (2) THAT:

15 (I) FOR A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY,
16 IS AT LEAST \$5; AND

17 (II) FOR A CANDIDATE FOR ELECTION AS A
18 GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL, OR
19 COMPTROLLER, IS AT LEAST \$20.

20 (H) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE
21 CONTRIBUTIONS THAT:

22 (1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL
23 ASSEMBLY;

24 (2) IS NOT MORE THAN \$250 FOR EACH DONOR; AND

25 (3) IS RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE
26 ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE A
27 CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE
28 PRIMARY ELECTION FOR THAT OFFICE.

29 15-102. COMMISSION -- IN GENERAL.

30 (A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE
31 MEMBERS.

1 (B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN
2 ANNAPOLIS AND HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS
3 ARTICLE, AS PROVIDED IN THE STATE BUDGET.

4 (2) THE COMMISSION SHALL MEET AT LEAST ONCE EACH QUARTER.

5 (C) EACH MEMBER OF THE COMMISSION:

6 (1) SHALL BE A REGISTERED VOTER IN THE STATE FOR THE 2 YEARS
7 IMMEDIATELY PRECEDING THE APPOINTMENT;

8 (2) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, SHALL BE
9 ELIGIBLE FOR REAPPOINTMENT;

10 (3) SHALL CONFORM TO THE RESTRICTIONS UNDER § 2-301 OF THIS
11 ARTICLE;

12 (4) MAY NOT BE A REGULATED LOBBYIST, OR BE EMPLOYED BY A
13 REGULATED LOBBYIST, WHO IS REQUIRED TO REGISTER WITH THE STATE ETHICS
14 COMMISSION UNDER TITLE 15, SUBTITLE 7 OF THE STATE GOVERNMENT ARTICLE;
15 AND

16 (5) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR
17 INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, UPON WRITTEN CHARGES
18 FILED BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING BEEN
19 AFFORDED AMPLE OPPORTUNITY TO BE HEARD.

20 (D) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, THE MEMBERS OF THE
21 COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND
22 CONSENT OF THE SENATE.

23 (E) (1) EACH MEMBER OF THE COMMISSION SHALL BE A MEMBER OF ONE
24 OF THE PRINCIPAL POLITICAL PARTIES.

25 (2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMISSION IF
26 THE APPOINTMENT WILL RESULT IN THE COMMISSION HAVING MORE THAN THREE
27 OR FEWER THAN TWO MEMBERS OF THE SAME PRINCIPAL POLITICAL PARTY.

28 (F) BEFORE TAKING OFFICE EACH APPOINTEE SHALL TAKE THE OATH
29 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

30 (G) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

31 (2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE
32 TERMS.

33 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
34 SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (H) (1) IF A VACANCY OCCURS ON THE COMMISSION, IT SHALL BE FILLED
2 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
3 APPOINTED AND QUALIFIES.

4 (2) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT
5 IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS
6 CONFIRMED BY THE SENATE.

7 (I) NOT LATER THAN AUGUST 1 EACH YEAR, THE COMMISSION SHALL ELECT
8 ONE OF ITS MEMBERS AS CHAIRMAN.

9 (J) EACH MEMBER SHALL RECEIVE PER DIEM COMPENSATION OF \$100 FOR
10 ATTENDANCE AT:

11 (1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

12 (2) EACH ADDITIONAL MEETING, TO A MAXIMUM OF THREE, CALLED BY
13 THE CHAIRMAN DURING A CALENDAR YEAR.

14 15-103. SAME -- DUTIES.

15 (A) THE COMMISSION SHALL MANAGE AND SUPERVISE THE SYSTEM OF
16 PUBLIC FUNDING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

17 (B) IN EXERCISING ITS AUTHORITY, THE COMMISSION SHALL:

18 (1) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE
19 PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION NECESSARY FOR
20 THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:

21 (I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING
22 CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN
23 FINANCE ENTITIES; AND

24 (II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE
25 DISBURSED TO PARTICIPATING CANDIDATES;

26 (2) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES
27 INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS, TO INFORM CANDIDATES
28 AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS ACT;

29 (3) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY AFTER
30 EACH ELECTION CYCLE THAT INCLUDES:

31 (I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON
32 PARTICIPATING CANDIDATES;

33 (II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

1 (III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING
2 CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY
3 PARTICIPATING CANDIDATES;

4 (IV) EXPENDITURES MADE BY PARTICIPATING AND
5 NONPARTICIPATING CANDIDATES; AND

6 (V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO
7 BE APPROPRIATE;

8 (4) HAVE ITS BOOKS AND ACTIVITIES AUDITED AT LEAST ONCE EACH
9 YEAR BY A CERTIFIED PUBLIC ACCOUNTANT; AND

10 (5) DEVELOP AN OFFICIAL SEAL, LOGO, OR OTHER DESIGNATION THAT
11 A PARTICIPATING CANDIDATE MAY USE VOLUNTARILY ON CAMPAIGN MATERIAL.

12 15-104. SAME -- DISCRETIONARY POWERS.

13 THE COMMISSION MAY:

14 (1) EMPLOY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND LEGAL
15 COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS;

16 (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS
17 FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS
18 TITLE;

19 (3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR
20 ELECTION TO STATEWIDE OR LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;

21 (4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE
22 ENTITY, OR THE PUBLIC, RENDER WRITTEN, PUBLIC, ADVISORY OPINIONS
23 REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

24 (5) ADOPT REGULATIONS AND PROVIDE FORMS AND ELECTRONIC
25 SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;

26 (6) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO
27 ENSURE COMPLIANCE WITH THIS TITLE;

28 (7) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN
29 FINANCE ENTITY SUBJECT TO THIS ARTICLE;

30 (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS
31 TITLE;

32 (9) IMPLEMENT A DEBIT CARD SYSTEM TO ALLOW A PARTICIPATING
33 CANDIDATE TO ACCESS THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT
34 THAT IS ESTABLISHED UNDER THIS TITLE;

1 (10) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR
2 CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

3 (11) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

4 (I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF
5 THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

6 (II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL RESULT IN
7 IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL VIOLATION;

8 (III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM OR
9 PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND

10 (IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE
11 ISSUANCE OF THE INJUNCTION.

12 15-105. THE FUND.

13 (A) (1) THERE IS A PUBLIC ELECTION FUND.

14 (2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (3) THE FUND SHALL BE USED TO:

17 (I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT
18 BEGINS ON JANUARY 1, 2007, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF
19 CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL
20 ELECTION AS CERTIFIED BY THE COMMISSION UNDER THIS TITLE; AND

21 (II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF
22 THE COMMISSION RELATED TO THIS TITLE.

23 (4) THE COMPTROLLER SHALL:

24 (I) ADMINISTER THE FUND IN ACCORDANCE WITH THE
25 PROVISIONS OF THIS TITLE; AND

26 (II) CREDIT TO THE FUND ALL MONEY COLLECTED IN
27 ACCORDANCE WITH THIS TITLE.

28 (B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN,
29 FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL
30 ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECKOFF SYSTEM THAT ALLOWS THE
31 TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT \$5 OF
32 THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION FUND.

33 (2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL
34 INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE
35 FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.

1 (C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF SYSTEM
2 UNDER SUBSECTION (B) OF THIS SECTION AND THE APPROPRIATION UNDER
3 SUBSECTION (D) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING
4 MONEY:

5 (1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES WHO
6 SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

7 (2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES WHO
8 SEEK TO BECOME ELIGIBLE FOR PUBLIC FUNDING UNDER THIS TITLE;

9 (3) EXCESS SEED MONEY CONTRIBUTIONS OF CANDIDATES WHO SEEK
10 TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

11 (4) UNSPENT MONEY THAT:

12 (I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO DOES
13 NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION FOR WHICH
14 THE MONEY WAS DISBURSED; OR

15 (II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER THE
16 PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

17 (5) FINES LEVIED BY THE COMMISSION AGAINST CANDIDATES FOR
18 VIOLATIONS OF THE ELECTION LAW;

19 (6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

20 (7) INTEREST GENERATED BY THE FUND; AND

21 (8) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL
22 ASSEMBLY.

23 (D) (1) THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND
24 THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY
25 OUT THIS TITLE.

26 (2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY
27 JANUARY 1, 2007, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE
28 GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2008 BUDGET THAT, WHEN
29 COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO CARRY OUT
30 THIS TITLE.

31 15-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY --
32 ALLOWABLE CONTRIBUTIONS.

33 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
34 ASSEMBLY MAY ACCEPT PRIVATE CONTRIBUTIONS FROM A PERSON ONLY AS
35 SPECIFIED IN THIS SECTION, INCLUDING:

36 (1) SEED MONEY OF NO MORE THAN:

1 (I) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF
2 MARYLAND;

3 (II) \$2,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF
4 DELEGATES OF MARYLAND;

5 (2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE
6 CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER CONTRIBUTED AS
7 SEED MONEY OR AS A QUALIFYING CONTRIBUTION; AND

8 (3) CONTRIBUTIONS OF MONEY, OR IN-KIND CONTRIBUTIONS, FROM A
9 STATE OR LOCAL CENTRAL COMMITTEE, NOT TO EXCEED 2.5% OF THE PUBLIC
10 CONTRIBUTION AMOUNT AUTHORIZED FOR THAT CONTEST UNDER THIS TITLE.

11 (B) A PARTICIPATING CANDIDATE MAY NOT RECEIVE CONTRIBUTIONS OR
12 ESTABLISH OR MAINTAIN A CAMPAIGN ACCOUNT OTHER THAN THE PUBLICLY
13 FUNDED CAMPAIGN ACCOUNT REQUIRED UNDER THIS TITLE.

14 15-107. SAME -- RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

15 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
16 ASSEMBLY:

17 (1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER § 15-106
18 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING
19 CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

20 (2) SHALL DELIVER EACH QUALIFYING CONTRIBUTION RECEIVED TO
21 THE COMMISSION FOR DEPOSIT IN THE FUND.

22 (B) EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN
23 ACCORDANCE WITH § 15-108(C) OF THIS TITLE, A PARTICIPATING CANDIDATE FOR
24 ELECTION TO THE GENERAL ASSEMBLY MAY CAUSE AN EXPENDITURE TO BE MADE
25 DURING THE PRIMARY ELECTION DISBURSEMENT PERIOD OR THE GENERAL
26 ELECTION DISBURSEMENT PERIOD ONLY FROM THE CANDIDATE'S PUBLICLY
27 FUNDED CAMPAIGN ACCOUNT.

28 15-108. QUALIFYING CONTRIBUTIONS -- GENERAL ASSEMBLY AND STATEWIDE
29 CANDIDATES.

30 (A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A
31 PUBLIC CONTRIBUTION FROM THE FUND:

32 (1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL
33 SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF CONTRIBUTORS
34 TOTALING AT LEAST 0.25% OF THE POPULATION OF THE CANDIDATE'S LEGISLATIVE
35 DISTRICT;

36 (2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES OF
37 MARYLAND SHALL SUBMIT QUALIFYING CONTRIBUTIONS FROM A NUMBER OF

1 CONTRIBUTORS TOTALING AT LEAST 0.25% OF THE POPULATION OF THE
2 LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE; AND

3 (3) A CANDIDATE FOR GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY
4 GENERAL, OR COMPTROLLER SHALL SUBMIT AGGREGATE QUALIFYING
5 CONTRIBUTIONS TOTALING \$30,000 OR MORE FROM AT LEAST 70 CONTRIBUTORS
6 FROM EACH OF AT LEAST FIVE COUNTIES IN THE STATE.

7 (B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A
8 CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE
9 FUND.

10 (C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION
11 THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A
12 RECEIPT THAT INCLUDES:

13 (1) THE PRINTED NAME OF THE CONTRIBUTOR;

14 (2) THE ADDRESS OF THE CONTRIBUTOR; AND

15 (3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS THAT
16 THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND THAT
17 THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

18 (D) (1) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY
19 DURING THE PERIOD THAT:

20 (I) BEGINS ON APRIL 15 IN THE YEAR PRECEDING THE PRIMARY
21 ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

22 (II) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE PRIMARY
23 ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

24 (2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL
25 ASSEMBLY OR AN INCUMBENT STATEWIDE OFFICEHOLDER IS BOUND BY THE
26 FUNDRAISING RESTRICTIONS SPECIFIED UNDER § 13-235 OF THIS ARTICLE.

27 15-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

28 (A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE
29 REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION
30 SHALL:

31 (1) IN CONJUNCTION WITH THE PARTICIPATING CANDIDATE,
32 ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE; AND

33 (2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE,
34 AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR
35 DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING
36 CANDIDATE.

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
 2 PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE
 3 PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE
 4 CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN
 5 ACCOUNT.

6 (C) A PARTICIPATING CANDIDATE MAY MAINTAIN A PETTY CASH FUND IN
 7 ACCORDANCE WITH § 13-220(C) OF THIS ARTICLE.

8 (D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY
 9 FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN
 10 ACCOUNT ONLY IN ACCORDANCE WITH THIS TITLE.

11 (2) AT ITS DISCRETION, THE COMMISSION MAY GAIN ACCESS AT ANY
 12 TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S
 13 PUBLICLY FUNDED CAMPAIGN ACCOUNT.

14 (3) IN ACCORDANCE WITH ITS REGULATIONS AND GUIDELINES, THE
 15 COMMISSION MAY TERMINATE A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED
 16 CAMPAIGN ACCOUNT.

17 15-110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL
 18 ASSEMBLY.

19 (A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF
 20 MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF
 21 THE LIMIT SPECIFIED IN THIS SUBSECTION.

	<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>
22 CONTESTED SENATE	\$50,000	\$50,000	\$100,000
23 UNCONTESTED SENATE	10,000	6,000	16,000

25 (B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF
 26 DELEGATES OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN
 27 AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED IN THIS SUBSECTION.

	<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>
28 <u>CONTESTED HOUSE</u>			
29 (THREE MEMBER)	\$40,000	\$40,000	\$80,000
30 (TWO MEMBER)	35,000	35,000	70,000
31 (SINGLE MEMBER)	20,000	20,000	40,000
32 <u>UNCONTESTED HOUSE</u>			
33 (THREE MEMBER)	\$10,000	\$6,000	\$16,000
34 (TWO MEMBER)	8,000	5,000	13,000
35 (SINGLE MEMBER)	6,000	4,000	10,000

37 (C) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR
 38 ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES OF
 39 MARYLAND WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING
 40 CANDIDATE IN:

1 (I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR

2 (II) AN UNCONTESTED PRIMARY ELECTION.

3 (2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A
4 CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT
5 OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS
6 SECTION SO THAT:

7 (I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A
8 PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70%
9 OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR
10 THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

11 (II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A
12 PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED
13 EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY
14 ELECTION AND FOR THE GENERAL ELECTION.

15 (3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY
16 CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT
17 ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE
18 GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE
19 COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE
20 FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

21 15-111. EXPENDITURE LIMITS AND PUBLIC MATCH FOR PARTICIPATING
22 CANDIDATES FOR ELECTION TO STATEWIDE OFFICES.

23 (A) (1) IN A CONTESTED ELECTION, A PARTICIPATING CANDIDATE FOR
24 ELECTION AS A GOVERNOR-LIEUTENANT GOVERNOR TICKET MAY NOT EXPEND FOR
25 CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMIT SPECIFIED IN THIS
26 SUBSECTION.

27	<u>PRIVATELY RAISED FUNDS</u>	<u>PUBLIC MATCH</u>	<u>EXPENDITURE LIMIT</u>
28	\$10,400,000	\$5,200,000	\$15,600,000

29 (2) A PARTICIPATING CANDIDATE FOR ELECTION AS A
30 GOVERNOR-LIEUTENANT GOVERNOR TICKET IN AN UNCONTESTED ELECTION IS
31 NOT ELIGIBLE FOR A PUBLIC CONTRIBUTION OF MATCHING FUNDS UNDER THIS
32 SECTION.

33 (B) A PARTICIPATING CANDIDATE FOR ELECTION AS ATTORNEY GENERAL OR
34 COMPTROLLER MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS
35 OF THE LIMITS SPECIFIED IN THIS SECTION.

36	<u>PRIVATELY RAISED</u>	<u>PUBLIC</u>	<u>EXPENDITURE</u>
37	<u>FUNDS</u>	<u>MATCH</u>	<u>LIMIT</u>

1 CONTESTED			
2 STATEWIDE	\$825,000	\$825,000	\$1,650,000
3 UNCONTESTED			
4 STATEWIDE	137,500	137,500	275,000

5 (C) (1) SUBJECT TO THE EXPENDITURE LIMIT SPECIFIED IN SUBSECTION
6 (A)(1) OF THIS SECTION AND THE SUPPLEMENTAL DISTRIBUTION AUTHORIZED
7 UNDER § 15-112 OF THIS TITLE:

8 (I) A CANDIDATE FOR ELECTION AS A GOVERNOR-LIEUTENANT
9 GOVERNOR TICKET CERTIFIED BY THE COMMISSION AS A PARTICIPATING
10 CANDIDATE SHALL RECEIVE A PUBLIC CONTRIBUTION OF \$1 IN MATCHING FUNDS
11 FOR EVERY \$2 IN PRIVATE CONTRIBUTIONS RECEIVED BY THE TICKET FROM STATE
12 RESIDENTS; AND

13 (II) A CANDIDATE FOR ELECTION AS ATTORNEY GENERAL OR
14 COMPTROLLER WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING
15 CANDIDATE SHALL RECEIVE A PUBLIC CONTRIBUTION OF \$1 IN MATCHING FUNDS
16 FOR EVERY \$1 IN PRIVATE CONTRIBUTIONS RECEIVED BY THE CANDIDATE FROM
17 STATE RESIDENTS.

18 (2) THE PUBLIC CONTRIBUTION FOR A CANDIDATE UNDER THIS
19 SECTION MAY NOT EXCEED:

20 (I) \$500 IN MATCHING FUNDS FOR EACH CONTRIBUTOR; AND

21 (II) 1. FOR A CANDIDATE FOR ATTORNEY GENERAL OR
22 COMPTROLLER, 50% OF THE EXPENDITURE LIMIT FOR THAT ELECTION THAT IS
23 APPLICABLE TO THAT CANDIDATE; AND

24 2. FOR A CANDIDATE FOR A GOVERNOR-LIEUTENANT
25 GOVERNOR TICKET, 33% OF THE EXPENDITURE LIMIT FOR THAT ELECTION THAT IS
26 APPLICABLE TO THAT CANDIDATE.

27 15-112. PARTICIPATING CANDIDATES -- SUPPLEMENTAL PUBLIC DISTRIBUTIONS
28 AUTHORIZED.

29 (A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL
30 ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING
31 FUNDS FROM THE FUND IF:

32 (I) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
33 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
34 ELECTION; AND

35 (II) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES
36 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING
37 CANDIDATE.

1 (2) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A
2 PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY
3 RECEIVE UNDER THIS SUBSECTION MAY NOT EXCEED 200% OF THE PUBLIC
4 CONTRIBUTION AMOUNT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTION
5 UNDER THIS TITLE FOR THAT CANDIDATE.

6 (B) (1) A PARTICIPATING CANDIDATE FOR ELECTION AS A
7 GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL, OR
8 COMPTROLLER MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF
9 MATCHING FUNDS FROM THE FUND IF:

10 (I) THE PARTICIPATING CANDIDATE IS OPPOSED BY A
11 NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL
12 ELECTION; AND

13 (II) THE NONPARTICIPATING CANDIDATE INCURS EXPENDITURES
14 THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING
15 CANDIDATE.

16 (2) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION OF
17 MATCHING FUNDS THAT A PARTICIPATING CANDIDATE MAY RECEIVE UNDER THIS
18 SUBSECTION MAY NOT EXCEED 25% OF THE AGGREGATE EXPENDITURE LIMIT
19 ESTABLISHED UNDER § 15-111 OF THIS TITLE FOR THE OFFICE SOUGHT BY THAT
20 CANDIDATE.

21 15-113. PARTICIPATING CANDIDATES -- ELIGIBILITY REQUIREMENTS FOR
22 DISBURSEMENTS FROM THE FUND.

23 (A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE
24 AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE
25 COMMISSION:

26 (1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE
27 COMMISSION'S REGULATIONS AND POLICIES;

28 (2) A CAMPAIGN FINANCE REPORT THAT LISTS ALL OF THE SEED
29 MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE;

30 (3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING
31 CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING PERIOD;

32 (4) ANY UNSPENT SEED MONEY THAT THE CANDIDATE RETAINS; AND

33 (5) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE
34 AND THE ACCOMPANYING RECEIPTS FOR THOSE CONTRIBUTIONS.

35 (B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS
36 CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE
37 THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT
38 LEGISLATIVE OFFICE.

1 15-114. DISBURSEMENTS BY THE COMPTROLLER.

2 (A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL
3 AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO
4 EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY
5 WHOM THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR
6 THE PRIMARY ELECTION.

7 (2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION
8 DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE
9 PRIMARY ELECTION.

10 (3) SUBJECT TO § 15-111 OF THIS TITLE, THE COMMISSION MAY
11 DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE
12 PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

13 (4) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING
14 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC
15 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

16 (B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE
17 RESULTS OF THE PRIMARY ELECTION, THE COMMISSION SHALL AUTHORIZE THE
18 COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING
19 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO HAS BEEN CERTIFIED
20 BY THE COMMISSION TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL
21 ELECTION.

22 (2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING
23 CANDIDATE SHALL RETURN TO THE COMMISSION ANY PORTION OF THE PUBLIC
24 CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL
25 ELECTION.

26 (C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION
27 SHALL AUTHORIZE THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION OF
28 MATCHING FUNDS FROM THE FUND TO A PARTICIPATING CANDIDATE FOR ELECTION
29 AS A GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL, OR
30 COMPTROLLER AS PROVIDED UNDER THIS TITLE AND IN ACCORDANCE WITH THE
31 SCHEDULE ESTABLISHED BY THE COMMISSION.

32 (2) DURING THE PERIOD FROM MAY THROUGH OCTOBER OF THE YEAR
33 OF THE ELECTION, THE COMMISSION SHALL AUTHORIZE THE COMPTROLLER TO
34 DISBURSE A PUBLIC CONTRIBUTION OF MATCHING FUNDS UNDER THIS SUBSECTION
35 AT LEAST TWO TIMES EACH MONTH TO ELIGIBLE PARTICIPATING CANDIDATES.

36 (D) (1) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR
37 ELECTION TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC
38 CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE
39 YEAR OF THE ELECTION IF:

1 (I) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE
2 STATE BOARD; AND

3 (II) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY
4 ELECTION.

5 (2) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR
6 ELECTION AS A GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL,
7 OR COMPTROLLER IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION OF MATCHING
8 FUNDS FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION
9 IF:

10 (I) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE
11 STATE BOARD; AND

12 (II) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY
13 ELECTION.

14 (E) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE
15 PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO
16 LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE DISBURSEMENT
17 BE MADE.

18 15-115. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

19 (A) (1) A PARTICIPATING CANDIDATE MAY ACCEPT A CONTRIBUTION FROM
20 A STATE OR LOCAL CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE
21 CONTRIBUTIONS FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE
22 PARTICIPATING CANDIDATE DO NOT EXCEED:

23 (I) FOR A CANDIDATE FOR A STATE LEGISLATIVE OFFICE, 2.5% OF
24 THE PUBLIC FINANCING AMOUNT FOR THAT OFFICE; OR

25 (II) FOR A CANDIDATE FOR ELECTION AS GOVERNOR-LIEUTENANT
26 GOVERNOR, ATTORNEY GENERAL, OR COMPTROLLER, 1.5% OF THE PUBLIC
27 FINANCING AMOUNT FOR A STATEWIDE OFFICE.

28 (2) A PARTICIPATING CANDIDATE WHO RECEIVES A MONETARY
29 CONTRIBUTION UNDER THIS SUBSECTION SHALL DEPOSIT THE CONTRIBUTION IN
30 THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

31 (B) IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION, A
32 POLITICAL PARTY SHALL REPORT TO THE COMMISSION EACH CONTRIBUTION MADE
33 TO, AND EACH EXPENDITURE MADE ON BEHALF OF, A PARTICIPATING CANDIDATE
34 DURING A PRIMARY OR GENERAL ELECTION.

35 (C) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY
36 FROM USING ITS FUNDS FOR EXPENSES FOR:

37 (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;

- 1 (2) A POLITICAL PARTY CONVENTION;
- 2 (3) NOMINATING AND ENDORSING CANDIDATES;
- 3 (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S
4 POSITIONS ON ISSUES;
- 5 (5) PARTY PLATFORM ACTIVITIES;
- 6 (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT
7 CANDIDATE-SPECIFIC;
- 8 (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT
9 CANDIDATE-SPECIFIC;
- 10 (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL
11 PARTY WHO ARE NOT CANDIDATES; OR
- 12 (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT
13 CANDIDATE-SPECIFIC.
- 14 15-116. COORDINATED EXPENDITURES.
- 15 (A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A
16 PARTICIPATING CANDIDATE FOR ELECTION TO A STATE LEGISLATIVE OFFICE SHALL
17 BE MADE ONLY WITH PUBLIC FUNDS.
- 18 (B) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD
19 EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF MORE THAN \$250
20 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.
- 21 (C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B)
22 OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A
23 NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48
24 HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH
25 INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.
- 26 (D) IN ACCORDANCE WITH ITS REGULATIONS OR GUIDELINES, THE STATE
27 BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE
28 HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING
29 CANDIDATE.
- 30 (E) (1) IF, ON RECEIPT OF A COORDINATED EXPENDITURE REPORT FROM A
31 NONPARTICIPATING CANDIDATE, THE STATE BOARD DETERMINES THAT THE
32 EXPENDITURE CAUSES THE NONPARTICIPATING CANDIDATE'S EXPENDITURES TO
33 EXCEED THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE
34 PARTICIPATING CANDIDATE FOR THAT SAME OFFICE, THE STATE BOARD SHALL
35 CAUSE AN IMMEDIATE RELEASE FROM THE FUND OF A SUPPLEMENTAL
36 CONTRIBUTION TO THE OPPOSING PARTICIPATING CANDIDATE, SUBJECT TO THE
37 LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

1 (2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING
2 PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT
3 BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE
4 LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT
5 EXCEED THE LIMIT SPECIFIED IN § 15-112 OF THIS TITLE.

6 (F) (1) AN EXPENDITURE MADE BY OR ON BEHALF OF A SLATE THAT
7 INCLUDES A PARTICIPATING CANDIDATE:

8 (I) IS DEEMED TO BE A COORDINATED EXPENDITURE; AND

9 (II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE
10 PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF
11 THIS SUBSECTION.

12 (2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON
13 BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE
14 PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF
15 THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF
16 CANDIDATES WHO ARE MEMBERS OF THE SLATE.

17 15-117. ADDITIONAL REPORTING REQUIREMENTS.

18 (A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN
19 FINANCE ENTITIES SPECIFIED UNDER § 13-309 OF THIS ARTICLE, A PARTICIPATING
20 CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL FILE CAMPAIGN
21 FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY 1 OF THE YEAR OF
22 THE ELECTION TO DISCLOSE:

23 (1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES
24 MADE; AND

25 (2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE.

26 (B) A PARTICIPATING CANDIDATE FOR ELECTION AS A
27 GOVERNOR-LIEUTENANT GOVERNOR TICKET, ATTORNEY GENERAL, OR
28 COMPTROLLER SHALL FILE CAMPAIGN FINANCE REPORTS WITH THE COMMISSION
29 TO DISCLOSE CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE
30 CANDIDATE AT THE TIMES AND FOR THE PERIODS ESTABLISHED BY THE
31 COMMISSION.

32 (C) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT
33 EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE
34 FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A
35 CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES EACH
36 WEEK THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

37 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS
38 SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING
39 CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 24 HOURS OF EACH

1 EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO
2 MAKE.

3 (D) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT
4 THE COMMISSION ADOPTS AND PUBLISHES, THE COMMISSION MAY MAKE AN
5 INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS
6 MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

7 (E) A CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS SECTION SHALL
8 BE FILED IN AN ELECTRONIC STORAGE FORMAT IN ACCORDANCE WITH THE
9 REQUIREMENTS OF TITLE 13 OF THIS ARTICLE.

10 15-118. CITIZEN ACTIONS.

11 (A) AN INDIVIDUAL WHO BELIEVES THAT A CANDIDATE HAS VIOLATED THIS
12 TITLE MAY PURSUE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION IF:

13 (1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT REGARDING THE
14 ALLEGED VIOLATION WITH THE COMMISSION; AND

15 (2) THE COMMISSION FAILS TO MAKE A DETERMINATION AND ISSUE A
16 WRITTEN STATEMENT OF ITS FINDINGS WITHIN 30 DAYS OF THE DATE OF THE
17 FILING OF THE COMPLAINT.

18 (B) A COMPLAINANT WHO PREVAILS IN AN ACTION FILED UNDER THIS
19 SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEYS' FEES AND COURT
20 COSTS FROM ANY PARTY DEFENDANT.

21 15-119. JUDICIAL REVIEW.

22 (A) AN ACTION OF THE COMMISSION UNDER THIS TITLE MAY BE REVIEWED
23 BY A CIRCUIT COURT IN ACCORDANCE WITH § 10-222(C) OF THE STATE GOVERNMENT
24 ARTICLE.

25 (B) A PETITION TO REVIEW AN ACTION OF THE COMMISSION UNDER THIS
26 SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE COMMISSION ACTS.

27 15-120. PENALTIES.

28 (A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

29 (1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT
30 ENTITLED;

31 (2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN
32 THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

33 (3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

34 (B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
35 CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE

1 AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE
2 TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE,
3 THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON
4 CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF
5 THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT FOR NOT MORE
6 THAN 2 YEARS OR BOTH.

7 (2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING
8 CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE
9 AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF
10 THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION
11 CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION,
12 THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE
13 RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

14 (C) IN THE DISCRETION OF THE COMMISSION, AN INDIVIDUAL WHO VIOLATES
15 THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING
16 CANDIDATE UNDER THIS TITLE.

17 (D) (1) A PERSON MAY NOT PROVIDE FALSE INFORMATION TO OR CONCEAL
18 OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE
19 COMMISSION.

20 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE
22 TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE
23 DISCLOSURE, TO A MAXIMUM OF \$5,000 FOR EACH VIOLATION, OR IMPRISONMENT
24 FOR 2 YEARS OR BOTH.

25 15-121. SHORT TITLE.

26 THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR
27 CANDIDATES FOR THE GENERAL ASSEMBLY AND FOR STATEWIDE OFFICES.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, no later than one year
29 after the end of the first election cycle in which the system of public financing of
30 election campaigns provided for under this Act is implemented, the Public Financing
31 Commission shall submit a written report to the Governor, and, in accordance with §
32 2-1246 of the State Government Article, to the General Assembly, concerning:

33 (1) The need for additional disclosure of campaign contributions or
34 expenditures under this Act;

35 (2) The effect and role of independent expenditures on this Act;

36 (3) Whether participating candidates under this Act should receive a
37 supplemental distribution from the Campaign Financing Fund to match independent
38 expenditures that are made on behalf of an opposing candidate or against a
39 participating candidate; and

1 (4) The effectiveness of the regulations, guidelines, and policies
2 established by the State Board of Elections and the Public Financing Commission
3 governing the disclosure and reporting of contributions and expenditures by
4 participating candidates and nonparticipating candidates in accordance with this Act.

5 SECTION 4. AND BE IT FURTHER ENACTED, That, the terms of the initial
6 members of the Public Election Commission shall expire as follows:

7 (1) Two of the members appointed from the majority party and one of the
8 members appointed from the principal minority party, in 2008; and

9 (2) One of the members appointed from the majority party and one of the
10 members appointed from the principal minority party, in 2006.

11 SECTION 5. AND BE IT FURTHER ENACTED, That, upon the taking effect of
12 this Act, the Comptroller shall transfer and credit to the Public Election Fund created
13 under this Act all of the money in the Fair Campaign Financing Fund formerly
14 established under § 15-103 of the Election Law Article for gubernatorial tickets,
15 which is repealed by this Act, to be used for the purposes of, and in accordance with,
16 the Public Campaign Financing Act for Candidates for the General Assembly and
17 Candidates for Statewide Offices created by this Act.

18 SECTION 6. AND BE IT FURTHER ENACTED, That the captions contained in
19 this Act are not law and may not be considered to have been enacted as a part of this
20 Act.

21 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2004.